GOVERNMENT OF ANDHRA PRADSEH

ABSTRACT

Venkatagiri Municipality – Allegations against Sri B. Bhagavan, the then Bill Collector (Part time), Venkatagiri Municipality, SPSR Nellore District – Modification of Penalty imposed against him in G.O.Rt.No.470, Dt.20.07.2016 to that of termination from service for committing misappropriation of Municipal funds in the Municipality – Instructions - Issued.

=-

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.II-2) DEPARTMENT

G.O.RT.No. 451 **Dated: 23-06-2017**

Read the following:

1. From CDMA, A.P. Hyd Lr.Roc.No.13098/2010/C2, Dt.27.08.2011.
2. G.O.Rt.No.1228 MA&UD(Vig.II-1) Dept., dated.21.09.2011.
3. G.O.Rt.No.1325 MA&UD(Vig.II-2) Dept dt.03.10.2012.
4. From Enquiry Officer Lr.Roc.No.VC, KUDA, Wgl- 2/2014 (Venkatagiri), dt.23.05.2014.
5. G.O.Rt.No.470 MA&UD(Vig.II-1) Dept., dated.20.07.2016.
6. From DMA, AP, Guntur Lr.Roc.No.13098/2010/C2, dt.18.11.2016.
7. From Hon'ble APAT order dt.24.11.2016 in OA.No.4248/2016.
8. From the Hon'ble HC of AP, Hyderabad Order dt.29.12.2016 in WP No.46242/2016.

***

ORDER:

Based on the report of the Commissioner & Director of Municipal Administration, A.P, Hyderabad, Government have framed articles of charges against Sri B. Bhagavan, the then Bill Collector, Venkatagiri Municipality, SPSR Nellore District along with other Officers and staff on committing financial irregularities in Venkatagiri Municipality under Rule-20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 vide reference 1st read above. Government have issued the charges against the charged officer in the reference 2nd read above. In the reference 3rd read above, an inquiry officer has been appointed to inquire into the charges framed against the charged officers. In the reference 4th read above, the Inquiry Officer has submitted inquiry report and held that out of six charges, four charges were partly proved and two charges were proved against Sri B. Bhagavan, the then Bill Collector, Venkatagiri Municipality, SPSR Nellore District during the enquiry. Government have examined the matter and concluded the disciplinary proceedings against Sri B. Bhagavan, the then Bill Collector, Venkatagiri Municipality, SPSR Nellore District duly imposing a penalty of stoppage of five annual grade increments with cumulative effect against Sri B. Bhagavan, the then Bill Collector, Venkatagiri Municipality, SPSR Nellore District, besides recovery of the proportionate amount of Rs.4,74,152/- from misappropriated amount from him vide reference 5th read above.

2. In the reference 6th read above, the Director of Municipal Administration has informed that the Commissioner, Venkatagiri Municipality has stated that in pursuance of the orders in G.O.Rt.No.470 MA&UD(Vig.II-2) Dt.20.07.2016, Sri B. Bhagavan, Bill Collector(Part time) of Venkatagiri Municipality was awarded penalty of stoppage of 5 AGIs with cumulative effect and to recover an amount of Rs.4,74,152/- i.e., 30% of misappropriated amount under Rule-20 of APCS(CCA) Rules, 1991. The Municipal Commissioner, Venkatagiri Municipality has also stated that Sri B. Bhagavan is not a regular employee of Venaktagiri Municipality and he is working as part time who do not qualify to regularisation of service in G.O.Ms.No.212 and he is still continuing in Venkatagiri Municipality as part time in the minimum time scale and he is being paid minimum pay and DA(6700-20110). Therefore, it is not practical for implementation of imposed punishment of withholding of (5) AGIs. Hence, the Municipal Commissioner, Venkatagiri Municipality has requested to issue suitable instructions for implementation of the Government orders.

...2

3. In the reference 7th read above. Sri B. Bhagavan, former Bill Collector, Venkatagiri Municipality has filed OA No.4248/2016 before Hon'ble APAT, Hyderabad for set aside G.O.Rt.No.470 MA&UD (Vig.II-2) Dt.20.07.2016 issued by the Government and direct the respondents to extend all the benefits to him. Hence, the Director of Municipal Administration, AP, Guntur has been requested to file counter in above OA before the Hon'ble APAT, Hyderabad on behalf of Government. Sri B. Bhagawan, former Bill Collector, Venkatagiri Municipality has also filed WP No.46242/2016 before the Hon'ble APHC against the orders i.e., G.O.Rt.No.470 MA&UD(Vig.II-2) Dept., dt.20.07.2016. The Hon'ble High Court in its order dt.29.12.2016 in WP No.46242/2016 has directed as follows:-

"The Govt.Pleader for services (AP) takes notice for the respondents 1 and 2.

Mr.Md.Saleem, learned counsel, takes notice for the 3rd respondent.

The 3rd respondent is directed to file a brief report before this Court next week, indicating whether the petitioner is a regular employee and as to what is his take home pay.

Post after one week.

In the meantime, there will be an interim stay of recovery alone and not any stay of the other part of the penalties".

4. Government after examining the matter in consultation with advisory authority, hereby direct the Director of Municipal Administration, AP, Guntur to issue orders terminating the services of Sri B. Bhagavan, Bill Collector(Part time), Venkatagiri Municipality as per procedure and issuing notice, modifying the penalty of 5 Annual Grade Increments with cumulative effect imposed against him in G.O.Rt.No.470 MA, dt.20.07.2016, as he is an NMR.

5. Since the Hon'ble High Court has passed orders on stay of recovery of the amount from the said individual, the same shall be complied with.

6. The Director of Municipal Administration, AP, Guntur shall also file vacate petition against the interim orders dt.29.12.2016 in WP No.46424/2016 filed by Sri B. Bhagavan, Bill Collector, Venkatagiri Municipality before Hon'ble High Court in consultation with the GP to the extent of recovery of the amount of Rs.4,74,152/-

7. The Director of Municipal Administration, AP, Guntur shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PARDESH)

R. KARIKAL VALAVEN,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
Sri B. Bhagavan, Bill Collector(Part time), Venkatagiri Municipality, SPSR Nellore District through the DMA, A.P, Guntur
The Director of Municipal Administration, A.P, Guntur
Copy to:
The Commissioner, Venkatagiri Municipality, SPSR Nellore District.
The Secretary to APVC, AP Secretariat.
The Secretary, APPSC, Nampally, Hyderabad.
The Regional Director of Municipal Administration, Guntur.
The Govt.Pleader for Services (MA&UD), APAT
The Principal Accountant General (A&E), AP. Hyderabad.
Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER